

## Surface Mining Reclamation and Enforcement, Interior

## § 914.25

adoption, to revise 312 IAC 25-4-17(d), (e), and (f) or otherwise modify the Indiana regulatory program to clarify that the information specified in those subsections must be submitted with the permit application.

(kk) By February 14, 2002, Indiana must submit either an amendment or a description of an amendment to be proposed, together with a timetable for adoption, to revise 312 IAC 25-4-118(4) or otherwise modify the Indiana regulatory program to require permittees to allow authorized representatives of the Secretary of the Interior to have right of entry to surface coal mining and reclamation operations for purposes of inspections, monitoring, and enforcement and to be accompanied by private persons under the conditions specified in 30 CFR 773.17(d)(2).

(ll) By February 14, 2002, Indiana must submit either an amendment or a description of an amendment to be proposed, together with a timetable for adoption, to revise 312 IAC 25-4-45(b)(4) or otherwise modify the Indiana regulatory program to require the demonstration of the suitability of topsoil substitutes or supplements to also be based upon analysis of the "total depth" of the different kinds of soils.

(mm) By February 14, 2002, Indiana must submit either an amendment or a description of an amendment to be proposed, together with a timetable for adoption, to:

(1) Revise 312 IAC 25-4-113(f) or otherwise modify the Indiana program to allow a person to oppose or seek disclosure of confidential information.

(2) Revise 312 IAC 25-4-113 or otherwise modify the Indiana program to add a provision, consistent with 30 CFR 773.6(d)(3)(iii), that classifies information on the nature and location of archeological resources on public land and Indian land as qualified confidential information in accordance with the Archeological Resources Protection Act of 1979.

[49 FR 20286, May 14, 1984]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 914.16, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

### **§ 914.17 State regulatory program and proposed program amendment provisions not approved.**

(a) The amendment at Indiana Code 14-34-5-7(a) submitted on May 14, 1998, concerning permit revisions is hereby disapproved effective March 16, 1999.

(b) The amendment at Indiana Code 14-34-5-8.2(4) submitted on May 14, 1998 concerning postmining land use changes is not approved effective August 15, 2001.

(c) The amendment at Indiana Code 14-34-5-8.4(c)(2)(K) submitted by Indiana on May 14, 1998, concerning minor field revisions of temporary cessation of mining is hereby disapproved effective March 16, 1999.

[64 FR 12896, Mar. 16, 1999, as amended at 66 FR 42750, Aug. 15, 2001]

### **§ 914.20 Approval of Indiana abandoned mine land reclamation plan.**

The Secretary approved the Indiana abandoned mine land reclamation plan, as submitted on December 7, 1981, on July 26, 1982, effective July 29, 1982. Copies of the approved plan are available at:

(a) Indiana Department of Natural Resources, Division of Reclamation, R.R. 2, Box 129, Jasonville, IN 47438-9517.

(b) Office of Surface Mining Reclamation and Enforcement, Indianapolis Field Office, Minton-Capehart Federal Building, Room 301, 575 North Pennsylvania Street, Indianapolis, IN 46204-1521.

[64 FR 20166, Apr. 26, 1999]

### **§ 914.25 Approval of Indiana abandoned mine land reclamation plan amendments.**

(a) The following is a list of the dates amendments were submitted to OSM, the dates when the Director's decision approving all, or portions of these amendments, were published in the FEDERAL REGISTER and the State citations or a brief description of each amendment. The amendments in this table are listed in order of the date of final publication in the FEDERAL REGISTER.

Original amendment submission date	Date of final publication	Citation/description
January 22, 1988 .....	November 29, 1988	Project selection reclamation coordination, land acquisition, rights of entry, lien consideration, public participation, procurement, accounting systems, endangered and threatened species listing, revised administrative and management structure of the plan.
December 6, 1991 ....	May 11 and October 6, 1992.	Revisions to the Indiana State Reclamation Plan corresponding to 30 CFR 884.13(c)(1), (2), (3), (5), (7), (d)(1), (e)(1), (2), (f)(1).
November 17, 1992 ..	October 26, 1994 ...	Emergency response reclamation program.
July 23, 1997 .....	March 16, 1998 .....	Indiana plan §§ 884.13(c)(2) through (7), (d)(1) through (3), (f)(2), (3); emergency response reclamation program.

## (b) [Reserved]

[62 FR 9940, Mar. 5, 1997, as amended at 63 FR 12652, Mar. 16, 1998]

### § 914.30 State-Federal Cooperative Agreement.

#### STATE-FEDERAL COOPERATIVE AGREEMENT

The Governor of the State of Indiana (Governor) and the Secretary of the Department of the Interior (Secretary) enter into a Cooperative Agreement (Agreement) to read as follows:

#### ARTICLE I: INTRODUCTION, PURPOSES AND RESPONSIBLE AGENCIES

##### A. Authority

This Agreement is authorized by section 523(c) of the Surface Mining Control and Reclamation Act (SMCRA), 30 U.S.C. 1273(c), which allows a State with a permanent regulatory program approved by the Secretary under section 503 of SMCRA, 30 U.S.C. 1253, to elect to enter into an Agreement for the State regulation of surface coal mining and reclamation operations (including surface operations and surface impacts incident to underground mining operations) on Federal lands. This Agreement provides for State regulation of coal exploration operations not subject to 43 CFR Part 3400 and surface coal mining and reclamation operations in Indiana on Federal lands (30 CFR Chapter VII Subchapter D), consistent with SMCRA and State and Federal laws governing such activities and the Indiana State Program (Program).

##### B. Purposes

The purposes of this Agreement are to (a) foster Federal-State cooperation in the regulation of surface coal mining and reclamation operations and coal exploration operations not subject to 43 CFR Part 3400; (b) minimize intergovernmental overlap and duplication; and (c) provide uniform and effective application of the Program on all lands in Indiana in accordance with SMCRA, the Program, and this Agreement.

##### C. Responsible Administrative Agencies

The Natural Resource Commission (NRC) and the Division of Reclamation (DOR) of the Indiana Department of Natural Resources will be responsible for administering this Agreement on behalf of the Governor under the approved Indiana Regulatory Program. The Office of Surface and Mining Reclamation and Enforcement (OSM) will administer this Agreement on behalf of the Secretary.

#### ARTICLE II: EFFECTIVE DATE

After being signed by the Secretary and the Governor, this Agreement will take effect 30 days after publication in the FEDERAL REGISTER as a final rule. This Agreement will remain in effect until terminated as provided in Article XI.

#### ARTICLE III: DEFINITIONS

The terms and phrases used in this Agreement which are defined in SMCRA, 30 CFR Parts 700, 701 and 740, the Program, including the OSM approved State Act (I.C. 14-34), and the rules and regulations promulgated pursuant to those Acts, will be given the meanings set forth in said definitions. Where there is a conflict between the above referenced State and Federal definitions, the definitions used in the Program will apply.

#### ARTICLE IV: APPLICABILITY

In accordance with the Federal lands program, the laws, regulations, terms and conditions of the Program are applicable to Federal lands in Indiana except as otherwise stated in this Agreement, SMCRA, 30 CFR 740.4, 740.11(a) and 745.13, and other applicable laws, Executive Orders, or regulations.

#### ARTICLE V: GENERAL REQUIREMENTS

The Governor and the Secretary affirm that they will comply with all the provisions of this Agreement.

A. *Authority of State Agency:* DOR and NRC have and will continue to have the authority under State law to carry out this Agreement.

B. *Funds:* 1. Upon application by DOR and subject to appropriations, OSM will provide the State with the funds to defray the costs